



Atty. Dkt. No. 058951-0167

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Caius Rommens et al.
Title: PRECISE BREEDING
Appl. No.: 10/607,538
Filing Date: 6/27/2003
Examiner: Unassigned
Art Unit: 1638

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Mail Stop Mail Stop DD
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.



Appl. No. 10/607,538
Atty. Dkt. No. 058951-0167

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits.

RELEVANCE OF EACH DOCUMENT

The listed documents are cited in the specification. All of the documents are in English.

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

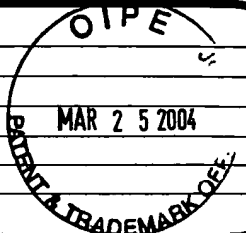
Date March 25, 2004

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5483
Facsimile: (202) 672-5399

By Richard C. Peet

Richard C. Peet
Attorney for Applicant
Registration No. 35,792

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete if Known	
Sheet 1 of 5		Application Number 10/607,538 Filing Date 6/27/2003 First Named Inventor Caius ROMMENS Group Art Unit 1638 Examiner Name Unassigned Attorney Docket Number 058951-0167			

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵ (if known)				

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶
	A1	Apse et al., Science. 285: 1256-8, 1999	
	A2	Banno et al., Plant Cell 13: 2609-18, 2001	
	A3	Beaujean et al., Biotechnol. Bioeng, 70: 9-16, 2000	
	A4	Bennetzen, Plant Mol Biol 42: 251-69, 2000	
	A5	Bevan et al., Nucleic Acids Res, 14: 4625-38, 1986	
	A6	Bird et al., Curr Issues Intest Microbiol 1: 25-37, 2000	

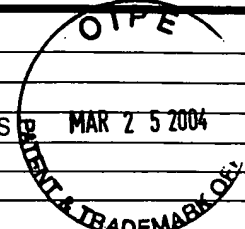
Examiner Signature	Date Considered
--------------------	-----------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, PO Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete if Known		
Sheet	2	of	5	Application Number	10/607,538	
				Filing Date	6/27/2003	
				First Named Inventor	Caius ROMMENS	
				Group Art Unit	1638	
				Examiner Name	Unassigned	
				Attorney Docket Number	058951-0167	

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶
	A7	Bohner et al., Mol. Gen. Genet., 264: 860-70 2001	
	A8	Breiteneder et al., J Allergy Clin Immunol 106: 27-36, 2000	
	A9	Catterou et al., Plant J 30: 273-87, 2002	
	A10	Chiurazzi & Signer, Plant Mol. Biol., 26: 923-934, 1994	
	A11	Cornejo et al., 23 Plant Mol. Biol. 567: 81,1993	
	A12	Dale & Ow, Proc. Natl. Acad. Sci. USA, 88: 10558-62, 1991	
	A13	Ellis et al., Trends Plant Sci 5: 373-9, 2000	
	A14	Fritz et al., Proc Natl Acad Sci USA, 88: 4458-62, 1991	
	A15	Gao et al., Nat Biotechnol. 18: 1307-10, 2000	
	A16	Garbarino et al., Plant Physiol, 109: 1371-8, 1995	
	A17	Gaxiola et al., Proc Natl Acad Sci U S A. 98: 11444-9, 2001	
	A18	Greiner et al., Nature Biotechnology, 17, 708-711, 1999	
	A19	Heimovaara-Dijkstra et al., Plant Mol Biol, 4 815-20, 1995	

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

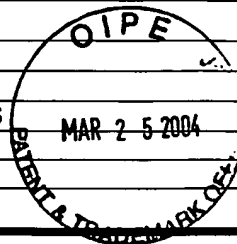
¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, PO Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		Complete if Known	
		Application Number	10/607,538
		Filing Date	6/27/2003
		First Named Inventor	Caius ROMMENS
		Group Art Unit	1638
		Examiner Name	Unassigned
		Attorney Docket Number	058951-0167

Sheet 3 of 5



NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶
	A20	Hoisington et al., Proc Natl Acad Sci U S A 96: 5937-43, 1999	
	A21	Janzowski et al., Food Chem Toxicol 38: 801-9, 2000	
	A22	Kagan et al., Biochemistry 33: 9651-60, 1994	
	A23	Kakimoto, Science 274: 982-985, 1996	
	A24	Kasuga et al., Nat Biotechnol. 17: 287-91, 1999	
	A25	Kirch et al., Plant Mol Biol 33: 897-909, 1997	
	A26	Klabunde et al., Nature Structural Biol., 5: 1084-1090, 1998	
	A27	Kononov et al., Plant J. 11: 945-57, 1997	
	A28	Krall et al., FEBS Lett 527: 315-8, 2002	
	A29	Kusaba et al., Plant Cell 13: 627-43, 2001	
	A30	Lorberth et al., Plant J, 2: 477-86, 1992	
	A31	Mogen et al., Mol. Cell Biol., 12: 5406-14, 1992	
	A32	Mori et al., Plant J., 27: 79-86, 2001	

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

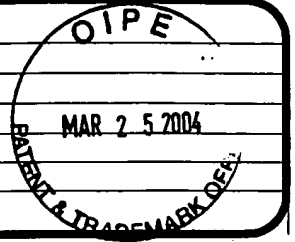
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, PO Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/607,538
				Filing Date	6/27/2003
				First Named Inventor	Caius ROMMENS
				Group Art Unit	1638
				Examiner Name	Unassigned
Sheet	4	of	5	Attorney Docket Number	058951-0167



NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶
	A33	Osusky et al., Nat Biotechnol. 18: 1162-6, 2000	
	A34	Oxenboll et al., Proc Natl Acad Sci USA, 9: 7639-44, 2000	
	A35	Padgette et al., Arch Biochem Biophys. 258: 564-73, 1987	
	A36	Palanichelvam et al., Mol Plant Microbe Interact 13: 1081-91, 2000	
	A37	Pokorny, Cas Lek Cesk 136: 267-70, 1997	
	A38	Raboy, J Nutr 132: 503S-505S, 2002	
	A39	Rogers et al., 260 J. Biol. Chem. 3731-38, 1985	
	A40	Schneider et al., Plant Physiol. 113: 335-45, 1997	
	A41	Schwall et al., Nature Biotechnology 18: 551-554, 2000	
	A42	Shah et al., Trends in Biotechnology 13: 362-368, 1995	
	A43	Shi et al., Nat Biotechnol. 2002	
	A44	Shibamoto, Prog Clin Biol Res 304: 359-76, 1989	
	A45	Shurvinton et al., Proc Natl Acad Sci USA, 89: 11837-11841, 1992	

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

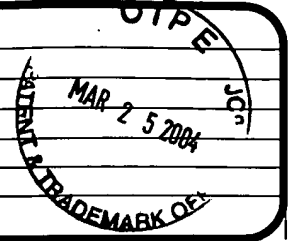
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, PO Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>		Complete if Known	
		Application Number Filing Date First Named Inventor Group Art Unit Examiner Name Attorney Docket Number	10/607,538 6/27/2003 Caius ROMMENS 1638 Unassigned 058951-0167
Sheet	5	of	5



NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶
	A46	Tareke et al., J Agric Food Chem. 50: 4998-5006, 2002	
	A47	Topping et al., Physiol Rev 81: 1031-64, 2001	
	A48	Ueda et al., Plant Cell 1: 217-27, 1989	
	A49	van der Steege et al., Plant Mol Biol, 20: 19-30, 1992	
	A50	van Haaren et al., Plant Mol Biol 13: 523-531, 1989	
	A51	Vikso-Nielsen, Biomacromolecules, 2: 836-43, 2001	
	A52	Wang et al., Arch Toxicol 70: 10-5, 1995	
	A53	Waters et al., Proc Natl Acad Sci 88: 1456-60, 1991	
	A54	Weigel et al., Plant Physiol., 122: 1003-13, 2000	
	A55	Zuo et al., Curr Opin Biotechnol. 13: 173-80, 2002	
	A56	Zuo et al., Nat. Biotechnol., 19: 157-61, 2001	

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, PO Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450.